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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,773	02/20/2004	Jeffrey T. Reed	610036.401	6667
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EXAMINER				
SARWAR, BABAR				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/783,773

Applicant(s)

REED ET AL.

Examiner

BABAR SARWAR

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-9 are rejected under 35 U.S.C. 102(a) as being anticipated by Miyashita (US 2003/0014648 A1), hereinafter referenced as Miya.

Consider **claim 1**, Miya discloses a method (**Figs. 1, 2**) comprising: receiving captured information pertaining to a current user of a device (**Fig. 1 elements 10, 20, and 41, the fingerprint input device, the portable telephone, and the reception terminal**); decoding the captured information to determine its content (**Fig. 1 element 46, the decoder**); comparing the determined content with stored content to authenticate the user (**Fig. 1 element 47, the control unit**); and if the user is authenticated, calling a function having parameters and executing that function to allow the authenticated user to access a service available via the device (**Para 0030-0032, Figs. 1-2 element 47, where Miya discloses the control unit collating decoded images and authenticating the customer to access available services**).

Consider **claim 2**, Miya discloses everything claimed as implemented above (see claim 1). In addition, Miya discloses wherein executing the function to allow the authenticated user to access the service includes executing the function to allow the

authenticated user to access an IP telephony service (**Fig. 1 element NW, the internet**).

Consider **claim 3**, Miya discloses everything claimed as implemented above (see claim 1). In addition, Miya discloses wherein executing the function to allow the authenticated user to access the service includes executing the function to allow the authenticated user to access a restricted wireless channel (**Fig. 1, the portable telephone and the base station**).

Consider **claim 4**, Miya discloses everything claimed as implemented above (see claim 1). In addition, Miya discloses associating the determined content with a function string that specifies the function and at least one parameter to pass to the function (**Fig. 2, where Miya discloses comparing input pattern with storage pattern**).

Consider **claim 5**, Miya discloses everything claimed as implemented above (see claim 1). In addition, Miya discloses wherein calling and executing the function includes remotely calling and executing the function (**Fig. 1, the portable telephone and the customer authentication device**).

Consider **claim 6**, Miya discloses everything claimed as implemented above (see claim 1). In addition, Miya discloses wherein receiving the captured information includes receiving at least one of an image, audio, and biometric data associated with the current user of the device (**Figs. 1 and 2**).

Consider **claim 7**, Miya discloses everything claimed as implemented above (see claim 1). In addition, Miya discloses that calling another function that denies access and sending a corresponding response message to the device if the user is not

authenticated (**Para 0032, Fig. 2, element A10, where Miya discloses rejection pf ticket issue notification**).

Consider **claim 8**, Miya discloses everything claimed as implemented above (see claim 1). In addition, Miya discloses that pre-processing the received captured information prior to decoding to at least one of improve a quality of that information and change a format of that information (**Abstract, where Miya discloses quantizing the features**).

Consider **claim 9**, Miya discloses everything claimed as implemented above (see claim 1). In addition, Miya discloses wherein decoding the captured information includes using a plurality of different decoders to attempt to decode the captured information, until at least one of these decoders' results in a successful decoding (**Fig. 1 element 46**).

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 21-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. **Claims 21-25** are drawn to functional descriptive material recorded on a **machine-readable medium**. Normally, the claim would be statutory. However, the specification, in Para 0052, defines the claimed computer readable medium as encompassing statutory media such as a "ROM", "hard drive", "optical drive" etc, as well as **non-statutory** subject mater such as an "**optical media**". Because the full scope of the claim as properly read in light of the

disclosure encompasses non-statutory subject matter, the claim as a whole is non-statutory. The examiner suggests amending the claim to include the disclosed tangible computer readable media, while at the same time excluding the intangible media such as signals, carrier waves, etc. Any amendment to the claim should be commensurate with its corresponding disclosure.

3. **Claims 10-20, 26-49** are rejected under 35 U.S.C. 102(b) as being anticipated by Cragun et al. (US 5971277), hereinafter referenced as Crag.

Consider **claim 10**, Crag discloses a method, comprising: receiving media pertaining to subject matter captured by a device (**Col. 2 lines 16-24, Col. 3 lines 52-54, Fig. 1A, elements 102, 121-122, where Crag discloses scanning codes and translating them into uniform resource locator (URLs) and transmitting them to server computer**); decoding the received media to determine its content (**Col. 3 lines 17-27, Fig. 1B, elements 122, 130, 134, and 136, where Crag discloses the Client processing program, customer and product databases at local server computer, therefore received media is decoded and contents are determined at local server**); associating the determined content to a function string (**Col. 7 lines 41-47, Fig. 1B, where Crag discloses the product database with variety of product information**); and calling and executing a function identified through the function string to return information to the device that is relevant to the captured subject matter (**Col. 7 lines 66-67, Col. 8 lines 1-67, Figs. 5, 6, where Crag discloses the local server computer returning the product information to the client computer**).

Consider **claim 11**, Crag discloses everything claimed as implemented above (see claim 10). In addition, Crag discloses wherein receiving the media includes receiving at least one of a human-recognizable image of the subject matter, audio associated with the subject matter, biometric information, and non-human-recognizable image (**Col. 11 lines 30-50**).

Consider **claim 12**, Crag discloses everything claimed as implemented above (see claim 10). In addition, Crag discloses wherein receiving the non-human-recognizable image includes receiving at least one of a 1D and 2D barcode (**Col. 11 lines 30-50**).

Consider **claim 13**, Crag discloses everything claimed as implemented above (see claim 10). In addition, Crag discloses wherein decoding the received media includes iteratively attempting to decode the media through a plurality of different decoders until at least one of these decoders results in a successful decoding (**Fig. 1B, element 130, 136**).

Consider **claim 14**, Crag discloses everything claimed as implemented above (see claim 10). In addition, Crag discloses that pre-processing the received media prior to decoding (**Abstract, where Crag discloses scanning the barcode and translating it into URL**).

Consider **claim 15**, Crag discloses everything claimed as implemented above (see claim 10). In addition, Crag discloses wherein associating the determined content to the function string includes associating the determined content to a function mask that defines portions of the function string that identify the function and at least one of its

parameters (**Fig. 1B, element 130, 136, the product information at product database**).

Consider **claim 16**, Crag discloses everything claimed as implemented above (see claim 10). In addition, Crag discloses wherein associating the determined content to the function string includes associating the determined content to an alphanumeric string that provides an ID of the function and parameter data pertaining to that function (**Fig. 1B, element 130, 136, the product information at product database**).

Consider **claim 17**, Crag discloses everything claimed as implemented above (see claim 10). In addition, Crag discloses wherein calling the function includes calling the function from a server unit remote from a server that receives the captured media (**Fig. 1C**).

Consider **claim 18**, Crag discloses everything claimed as implemented above (see claim 10). In addition, Crag discloses wherein executing the function includes providing access to a restricted service to an authenticated user of the device (**Figs. 1A-C**).

Consider **claim 19**, Crag discloses everything claimed as implemented above (see claim 10). In addition, Crag discloses wherein returning information to the device that is relevant to the captured subject matter includes at least one of returning data pertaining to a captured barcode, translation of a foreign language term, software registration information, product information, historical data, electronic device settings, coupon redemption, movie information, competitive product data, menu suggestions,

acknowledgement of facial or voice recognition, auction listings, biometric authentication information, people search data, and audio data (**Col. 11 lines 30-54**).

Consider **claim 20**, Crag discloses everything claimed as implemented above (see claim 10). In addition, Crag discloses wherein receiving the media includes receiving the media as part of an email, the method further comprising extracting the media from the email and passing the extracted media to at least one decoder (**Col. 3 lines 6-22**).

Claim 26, as analyzed with respect to the limitations as discussed in claim 10.

Claim 27, as analyzed with respect to the limitations as discussed in claim 11.

Claim 28, as analyzed with respect to the limitations as discussed in claim 19.

Consider **claim 29**, Crag discloses everything claimed as implemented above (see claim 26). In addition, Crag discloses a means for authenticating a user of the device (**Col. 4 lines 5-14**).

Consider **claim 30**, Crag discloses everything claimed as implemented above (see claim 26). In addition, Crag discloses a means for capturing the subject matter and for sending the captured subject matter to be decoded (**Fig. 1A-1C**).

Consider **claim 31**, Crag discloses everything claimed as implemented above (see claim 26). In addition, Crag discloses a means for defining a function string associated with the function and its parameters (**Fig. 1A-1C, the product database**).

Consider **claim 32**, Crag discloses everything claimed as implemented above (see claim 26). In addition, Crag discloses a means for storing information pertaining to

functions, reference data, and media to be returned to the device (**Fig. 1A-1C, the Storage**).

Consider **claim 33**, Crag discloses everything claimed as implemented above (see claim 26). In addition, Crag discloses a means for processing a first user action associated with capturing the subject matter; and a means for processing a second user action associated with purchasing a product related to the captured subject matter (**Figs. 1A-C**).

Claim 34, as analyzed with respect to the limitations as discussed in claim 10.

Claim 35, as analyzed with respect to the limitations as discussed in claim 14.

Claim 36, as analyzed with respect to the limitations as discussed in claim 14.

Claim 37, as analyzed with respect to the limitations as discussed in claim 13.

Claim 38, as analyzed with respect to the limitations as discussed in claim 16.

Consider **claim 39**, Crag discloses everything claimed as implemented above (see claim 34). In addition, Crag discloses at least one processor and a storage medium, wherein at least some of the units are embodied in software stored on the storage medium and executable by the processor (**Figs. 1A-C**).

Claim 40, as analyzed with respect to the limitations as discussed in claim 32.

Claim 41, as analyzed with respect to the limitations as discussed in claim 31.

Claim 42, as analyzed with respect to the limitations as discussed in claim 17.

Claim 43, as analyzed with respect to the limitations as discussed in claim 17.

Claim 44, as analyzed with respect to the limitations as discussed in claim 20.

Claim 45, as analyzed with respect to the limitations as discussed in claim 28.

Claim 46, as analyzed with respect to the limitations as discussed in claim 17.

Claim 47, as analyzed with respect to the limitations as discussed in claim 29.

Claim 48, as analyzed with respect to the limitations as discussed in claim 27.

Claim 49, as analyzed with respect to the limitations as discussed in claim 19.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BABAR SARWAR whose telephone number is (571)270-5584. The examiner can normally be reached on MONDAY TO FRIDAY 09:00 A.M -05:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NICK CORSARO can be reached on (571)272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/BABAR SARWAR/

/B. S./
Examiner, Art Unit 2617

/NICK CORSARO/
Supervisory Patent Examiner, Art Unit 2617